

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Scott C. Johnson et al.

Filed: March 1, 2001

For: NETWORK CONNECTED COMPUTING SYSTEM

Serial No.: 09/797,413

Group Art Unit: 2152

Examiner: Unknown

Atty Dkt: SURG:128

Pursuant to 37 CFR 1.8, I hereby certify that this paper or fee is being deposited with the United States Postal Service in a first class, postage prepaid envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on the date below.

5-29-01
Date

Albino Ferrara
Name

Assistant Commissioner For Patents
Washington, D.C. 20231

**ELECTION UNDER 37 C.F.R. §§3.71 AND STATEMENT UNDER 3.73
AND POWER OF ATTORNEY**

Sir:

The undersigned being Assignee of record of the entire interest in the above-identified application by virtue of an assignment that has been filed in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventor. A statement under 37 C.F.R. 3.73(b) is also included below.

The Assignee hereby revokes any previous Powers of Attorney and appoints Robert M. O'Keefe, Reg. No. 35,630; Richard D. Egan, Reg. No. 36,788; Brian W. Peterman, Reg. No. 37,908, William W. Enders, Reg. No. 41,735, and Maximilian R. Peterson, Reg. No. 46,469, each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, LLP, as its attorney for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one

year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. §3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to *Surgient Networks, Inc.*, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to 37 C.F.R. §3.73(b), *Surgient Networks, Inc.*, a corporation, states that it is the assignee of the entire, right, and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above. The assignment has been filed in the United States Patent and Trademark Office as set forth below.

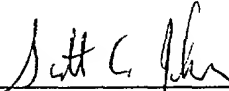
Please direct all communications as follows:

Richard D. Egan
O'KEEFE, EGAN & PETERMAN, LLP
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, Texas 78746
512/347-1611
FAX 512/347-1615

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

ASSIGNEE:

SURGIENT NETWORKS, INC.

By: 

Name: Scott C. Johnson

Title: Chief Technical Officer

Date: 5-21-2001

ASSIGNMENT:

- ☒ Filed concurrently herewith (copy enclosed)
☐ Previously filed [date](copy enclosed)
☐ Previously recorded
Date: _____
Reel: _____
Frame: _____

RECORDED

DECLARATION
FOR PATENT APPLICATION

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

I believe (check one) ☐ I am the original, first and sole inventor
☒ I am a joint inventor and the below named inventors are the
original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

NETWORK CONNECTED COMPUTING SYSTEM

the specification of which

(check one) ☐ is attached hereto.
☒ was filed on 3/1/2001,
as Application Serial No. 09/797,413,
and was amended on _____.
(if applicable)

I further declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Day/Month/Year Filed	Priority Claimed	
Number	Country		Yes	No
_____	_____	_____	_____	X

I hereby claim the benefit under 35 U.S. C. §119(e) of any United States provisional application listed below:

<u>Provisional Application Serial No.</u>	<u>Filing Date</u>
60/187,211	March 3, 2000
60/246,343	November 7, 2000
60/246,335	November 7, 2000
60/246,443	November 7, 2000
60/246,373	November 7, 2000
60/246,444	November 7, 2000
60/246,372	November 7, 2000

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (patented, pending, abandoned)</u>
-------------------------------	--------------------	--

Address all correspondence and telephone calls to the following:

Richard D. Egan
O'KEEFE, EGAN & PETERMAN
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, TX 78746
(512) 347-1611
(512) 347-1615 (Fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Scott C. Johnson

Inventor's Signature Scott C. Johnson 5-21-2001
Date

Residence: 3612 Gulena Hills Loop Round Rock, TX 78681-1032

Citizenship: U.S.

Post Office Address: Same
(enter "same" if mailing address is same as residence address)

Full name of second joint inventor: Brian W. Bailey

Inventor's Signature Brian W. Bailey 9-May-2001
Date

Residence: 8804B Clearbrook Trail, Austin TX 78729

Citizenship: U.S.

Post Office Address: Same
(enter "same" if mailing address is same as residence address)

Full name of third joint inventor: Rodney S. Canion

Inventor's Signature Rodney S. Canion 5-9-2001
Date

Residence: 3204 Luting Stream Cw., West Lake Hills, TX 78746

Citizenship: U.S.

Post Office Address: Same
(enter "same" if mailing address is same as residence address)

Full name of fourth joint inventor: Thomas E. Garvens

Inventor's Signature Thomas E. Garvens 5/9/2001
Date

Residence: 5124 CONCHO CANYON BLVD AUSTIN, TX 78735

Citizenship: U.S.A

Post Office Address: Same
(enter "same" if mailing address is same as residence address)

095744040000

[illegible]

Residence: 501 Madrone Canyon Dr. Dripping Springs, TX 78620

Post Office Address: Same
(enter "same" if mailing address is same as residence address)

Inventor's Signature Roger K. Richter 5/9/01
Date

Citizenship: USA

Post Office Address: Same
(enter "same" if mailing address is same as residence address)